

Remarks

In the present response, claims 1 – 9, 21, and 23 – 24 are presented for examination.

Claim Rejections: 35 USC § 112

Claim 22 is rejected under 35 USC § 112, first paragraph, as failing to comply with the written description. This rejection is moot since claim 22 is canceled.

Claim Rejections: 35 USC § 102(b)

Claim 6 is rejected under 35 USC § 102(b) as being anticipated by JP 8-235748 (Naka). This rejection is traversed.

Claim 6 recites one or more elements not taught in Naka. Some examples are provided below.

As one example, claim 6 recites identifying a color of said data cartridge to identify a type of the data cartridge present in said cartridge engaging assembly. Naka does not teach this element.

Naka uses a sensor 10 to identify a type of data cartridge based on an identifier 2a (shown as holes) in the data cartridge. Naka detects the light volume that enters into an electric eye from a floodlight. A photoelectric switch changes with the existence or nonexistence of the hole in the case of the cartridge 2.

Nowhere does Naka teach or even suggest identifying a color of said data cartridge to identify a type of the data cartridge present in said cartridge engaging. Again, Naka identifies holes in the data cartridge, not color.

For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference (see *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990)). For at least these reasons, claim 6 is not anticipated by Naka.

Claim Rejections: 35 USC § 103(c)

Claims 1 – 9 and 21 – 24 are rejected under 35 USC § 103(c) as being unpatentable over JP 8-235748 (Naka). Claims 7 – 9 are rejected under 35 USC § 103(c)

as being unpatentable over JP 8-235748 (Naka) in view of USPN 5,546,315 (Kleinschnitz). These rejections are traversed.

The claims recite one or more elements that are not taught or suggested in Naka in view of Kleinschnitz. These missing elements show that the differences between the combined teachings in the art and the recitations in the claims are great. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art. Some examples are provided below for the independent claims.

As one example, claim 1 recites deciphering a color of said data cartridge based on said emitted signal that is reflected from the data cartridge to identify. Claim 6 recites identifying a color of said data cartridge to identify a type of the data cartridge present in said cartridge engaging assembly. Claim 7 recites a means for detecting that deciphers a color of said data cartridge to identify a type of data cartridge while the data cartridge is located inside said means for receiving. Naka does not teach or suggest these elements.

Naka uses a sensor 10 to identify a type of data cartridge based on an identifier 2a (shown as holes) in the data cartridge. Naka detects the light volume that enters into an electric eye from a floodlight. A photoelectric switch changes with the existence or nonexistence of the hole in the case of the cartridge 2.

Nowhere does Naka teach or even suggest identifying a color of said data cartridge to identify a type of the data cartridge present in said cartridge engaging. Again, Naka identifies holes in the data cartridge, not color. Kleinschnitz fails to cure these deficiencies.

The differences between the claims and the teachings in the art are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, the claims are allowable over the art of record.

As one example, claim 1 recites “emitting a signal from a signal emitter on the cartridge engaging assembly into a chamber formed within the cartridge engaging assembly.” Naka does not teach emitting a signal into a chamber formed within the cartridge engaging assembly. By contrast, Naka teaches that light is emitted onto holes 2a that are formed in the end of the data cartridge 2. As shown in Fig. 2 of Naka, this end of the data cartridge projects outwardly from the holder 9.

The differences between claim 1 and the teachings in the art are great since the references fail to teach or suggest all of the claim elements. As such, claim 1 and its dependent claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, claim 1 and its dependent claims are allowable over the art of record.

CONCLUSION

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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